

LESLIE HOOD III
CDC #F81882
~~300 2nd St. Fresno~~
~~300 2nd St. Fresno~~
P.O. Box 872 (FCS)
Fresno CA 93712

United States District Courts
~~Northern~~
~~Eastern~~ District of California
Northern

FILED
MAY 15 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case # 2:08-CV-00783-MCE-GGH

Leslie Hood III

V.

CV08-02277 MHP

California Department
of Corrections, Fresno Co. Sheriff's Dept. Margret mims.

Honorable Judge:

"Per" Local Rule 5-133, I was to Submit Original plus on Copy of each document, I truly Apologize for failure to do so. However I did Submit a Supplemental writ of Habeas Corpus Dated 4-16-08, for a New Charge the Commissioner failed to acknowledge, Also inclosed in this letter is a full Copy for the Courts use, I pray the Courts forgive my not knowing and except this Copy Thank you for your Time and Concern in this matter

Respectfully Submitted.
Leslie Hood III

Leslie Hood III

Date 4-26-08

Name Leslie Hood III

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Address San Quentin State Prison

INJUNCTION RELIEF

San Quentin Ca 94974
P.O. Box 872 Fresno CA 93712

(Request An Expedited Hearing)

(FCJ)
CDC or ID Number F88832

United States District Courts
~~Eastern~~ District of California.
Northern (Court)

Leslie Hood III
Petitioner

vs.

California Dept. of Correction
Respondent

Board of Prison terms. Fresno County Margaret Mims
Fresno Co Sheriff Dept.

PETITION FOR WRIT OF HABEAS CORPUS

No. CO8-02277 MHP
(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

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This petition concerns:

- ☐ A conviction
 ☒ Parole
- ☐ A sentence
 ☐ Credits
- ☐ Jail or prison conditions
 ☐ Prison discipline
- ☐ Other (specify): _____

1. Your name: Leslie Hood III
2. Where are you incarcerated? San Quentin State Prison
3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Trans/Sell CS, Prior Poss. CS, Poss Sell CS.

- b. Penal or other code sections: H 11370.2
- c. Name and location of sentencing or committing court: Fresno Superior Court, Fresno California

- d. Case number: F00658311-6
- e. Date convicted or committed: 5-8-07
- f. Date sentenced: 5-8-07
- g. Length of sentence: 9 yrs & mo.
- h. When do you expect to be released? May 2008

- i. Were you represented by counsel in the trial court? ☐ Yes. ☒ No. If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (check one)

☐ Not guilty
 ☐ Guilty
 ☒ Nolo Contendere
 ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury
 ☐ Judge without a jury
 ☒ Submitted on transcript
 ☐ Awaiting trial

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6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

1) California Dept. of Corrections Board of Prison terms Violated and/or denied me my Due Process Rights by not dismissing Supplemental Charges for failure to file Supplemental Charges in proper time frame and not processing me before the Board of Prison terms for a final revocational hearing on or before the (35th) day of my parole hold being placed. See Exhibit-C. I'm requesting an Expedited hearing there to Injunction Relief.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

1) I was arrested on 2-7-08, for Parole Violation, Poss. Cont. Subs. and Driving without License. On 2-11-08, I signed a Charge Report - CDC 1502-B, that stated all Charges I was to answer to. Per the Charge Report, Investigate, Submit Appropriate Report by (date) 2-19-08. See Exhibit-A. I appeared before a Commissioner on 2-28-08, and received (4) months. On 3-5-08, I was taken back before the Commissioner on Supplemental Charge that was filed on 2-25-08. See Exhibit-B. Thus Violating and/or denying me my Due Process Rights by not filing all Charges in a timely frame and going over the deadline to file Supplemental Charges. Due to the fact that the parole Agent failed to file Supplemental Charges in a timely manner, I refused the additional (1) month to run consecutively with the (4) months I was already serving, and was scheduled for a final revocation hearing. I objected to Charges being filed late. Therefore the Commissioner failed to acknowledge my objection violating my Due Process rights and Equal Protection of the Law. See Exhibit-C, D, and E.

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Terry Valdivia V. Arnold Schwarzenegger, where in you must be served Evidence that will be used against you within (13) Business days and a final revocational hearing must be upheld on or before the (35th) calendar day after the placement of parole hold. See Exhibit-C.

7. Ground 2 or Ground Two (if applicable):

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2) California Dept. of Corrections Board of Prison terms Violated and/or denied me Equal Protection of the law under the Constitution of the United States Article [XIV] Section 1. In my Revocation Hearing by failing to uphold the law, by denying and/or Violating my Due Process Rights.

a. Supporting facts:

2) I was arrested on 2-7-08, for parole violation, Pass Cont. Subs. driving without license. On 2-11-08, I was given a Charge Report CDC-1502-B, "Exhibit A" that stated all Charges I was to answer to. On 2-28-08, I appeared before the Board of Prison terms and accepted (4) months. On 3-5-08, I was taken back before the Commissioner on Supplemental Charges at which time I refused the offer for additional time based on my due process rights were denied and/or Violated, by not filing all Charge in the proper time frame and/or going over the deadline to file Supplemental Charges "See Exhibit-C." At which time I was scheduled for a final revocation hearing. On 3-21-08, I was transferred to Monterey Co. Jail for a revocation hearing. I appeared before the Board of Prison terms Commissioner J. Champlin on 3-24-08, at which time I objected to the hearing based on "Per" my Due Process rights the Board of Prison terms was to have a final revocation hearing on or before the (35th) day after my parole hold was placed "See Exhibit-C." Thus Violating and/or denying me my Due Process rights I was arrested on 2-7-08, and the final hearing took place on 3-24-08, which is a Violation and denial of my Due Process Rights. The Board of Prison terms missed the deadline by (11) days Clearly Violating my due process rights. "See Exhibit-C." There is nothing in the Guidelines that stipulates the Commissioner at anytime can use his Authority to over-ride the Constitution and/or the law "See Exhibit-C" and Constitution of United States Article [XIV] Sec. 1.

b. Supporting cases, rules, or other authority:

Constitution of United States Article [XIV] Section 1, nor shall any State deprive any Person of life, liberty, or property, without Due process of the law. Nor deny any Person within its Jurisdiction the Equal Protection of the law.
See - Constitution of the United States Article [XIV] Section 1

Jerry Valdivia V. Arnold Schwarzenegger, A final Revocation hearing must be held on or before the (35th) day of parole hold being placed.

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8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☒ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

b. Result _____ c. Date of decision: _____

d. Case number or citation of opinion, if known: _____

e. Issues raised: (1) _____

(2) _____

(3) _____

f. Were you represented by counsel on appeal? ☐ Yes. ☐ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes. ☒ No. If yes, give the following information:

a. Result _____ b. Date of decision: _____

c. Case number or citation of opinion, if known: _____

d. Issues raised: (1) _____

(2) _____

(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

On Appeal I believed I had raised the issue of violating my due process rights for failing to take me before the Board of Prison Terms and/or before the 25th day. I didn't realize the Commissioner only recognized my objection to change being filed late.

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

Under Valdivia v. Schwarzenegger there is no longer any administrative remedies for 602 forms or 1040 forms, inmates must now seek relief and/or appeal through writ of Habeas Corpus.

b. Did you seek the highest level of administrative review available? ☒ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

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12. Other than direct appeal, have you filed ~~any~~ other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ☒ No. If no, skip to number 15.

13. a. (1) Name of court: Monterey Superior Court Salinas California
 (2) Nature of proceeding (for example, "habeas corpus petition"): Habeas Corpus
 (3) Issues raised: (a) Violation of my Due process rights, fail to take me before (BPT) within 35 day time frame.
 (b) I was not provided Equal protection of the law.
 (4) Result (Attach order or explain why unavailable): I only filed part of Violation of Due process rights
 (5) Date of decision: unknown
- b. (1) Name of court: _____
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (Attach order or explain why unavailable): _____
 (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

Unknown

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

I Just became aware the Commissioner only recognized objection to charges being filed
later I believed I had raise both issues.

16. Are you presently represented by counsel? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☒ No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

None

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 4-26-08

[Signature]
 (SIGNATURE OF PETITIONER)

Contents And Exhibits

- 1) WRIT of Habeas Corpus INjunction Relief. And Request For EXPedited HEARING.
- 2) EXHibit[#] A Charge Report CDC 1502-B, original.
- 3) EXHibit[#] B Charge Report CDC-1502-B, Supplemental Report
- 4) EXHibit[#] C California Parole Violator's Due Process Rights upheld in Settlement.
- 5) EXHibit[#] D Continuance From Pages 3 of 6, And 4 of 6, Supporting Facts
- 6) EXHibit[#] E Form From 1sts Msy@cdcr, ca.gov.
- 7) EXHibit[#] F Continuance of Page 3 of 6 Grounds for Relief. And Request For INjunction Relief and EXPedition of Hearing.
- 8) EXHibit-G Summary of Revocation Hearing and Disison.
- 9) EXHibit H. Summary of Revocation Hearing and Disison Present at Hearing.

Date. 4-16-08

Leslie Hood
Leslie Hood

STATE OF CALIFORNIA
CHARGE REPORT
CDC 1502-B (08/05)

Exhibit-A

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DISTRIBUTION
ORIGINAL - C-FILE
1ST COPY - FIELD FILE
2ND COPY - PAROLEE

REPORT TO: ☐ BOARD OF PAROLE HEARINGS

CDC NUMBER F88832	NAME: (LAST, FIRST, MI) Hood, Leslie	NAME BOOKED AS Cornell Williams	REGION/UNIT Fresno/3
ARREST DATE 02/07/08	ARRESTING AGENCY Fresno Police Dept.	BPH REFERRALS: <input type="checkbox"/> MANDATORY <input checked="" type="checkbox"/> NON-MANDATORY	BOOKING NUMBER AND/OR LOCATION 0801309/Monterey Co. Jail
ARREST CODE B	* ARREST CODES A DAPO STAFF ALONE AB DAPO ASSISTED BY LAW ENFORCEMENT AGENCY B LAW ENFORCEMENT AGENCY ALONE D LAW ENFORCEMENT AGENCY WITH INFORMATION FROM DAPO		
HOLD DATE 02/07/08	DISCOVERY DATE 02/07/08	HOLD REMOVED DATE Intact	AGENT OF RECORD M. Gipson
		CONTROLLING DISCHARGE DATE 05/11/2010	DISCHARGE REVIEW DATE 05/11/2008
CHARGES AND CODES Cond. 4 absconding (021)		CHARGES AND CODES	
1.		4.	
2.		5.	
3.		6.	
REASON FOR RETAINING PAROLE HOLD PAROLEE DANGER TO		DATE COPY GIVEN	NAME OF PERSON NOTICING PAROLEE
<input type="checkbox"/> ABSCOND <input checked="" type="checkbox"/> SELF <input type="checkbox"/> PROPERTY - OTHERS <input type="checkbox"/> SAFETY - OTHERS			

Charge 1: On 02/07/08, Hood was arrested in a traffic stop conducted by the Salinas Police Department. Hood was a Parolee At Large. The Board of Parole Hearing entered a decision to on 01/24/08, to suspend Hood's parole effective 12/24/07. Hood's whereabouts were unknown to parole until he was arrested on 02/08/08.

PAROLE AGENT'S RECOMMENDATION:

Maintain hold, refer to the Board of Parole Hearing for disposition.

PAROLE AGENT'S SIGNATURE M. Gipson, PAI		DATE 2-8-08
UNIT SUPERVISOR'S ACTION		
<input checked="" type="checkbox"/> DECISION	<input type="checkbox"/> REVIEW	<input checked="" type="checkbox"/> RETAIN HOLD
<input type="checkbox"/> CONTINUE ON PAROLE	<input type="checkbox"/> CONTINUE IN OUT-PATIENT STATUS	<input type="checkbox"/> RELEASE HOLD AS OF (DATE):
<input type="checkbox"/> REINSTATE ON PAROLE AS OF (DATE):	<input type="checkbox"/> TIME LOSS	<input type="checkbox"/> DISCHARGE EFFECTIVE DATE:
<input type="checkbox"/> SPECIAL CONDITION(S):	<input type="checkbox"/> NO TIME LOSS	<input type="checkbox"/> SUSPENDED/REINSTATE IN OPS AS OF (DATE):
<input type="checkbox"/> ADD		<input type="checkbox"/> DELETE
UNIT SUPERVISOR'S COMMENTS/RECOMMENDATION		
<input checked="" type="checkbox"/> I HAVE LOOKED AT THE INFORMATION. I BELIEVE THERE IS PROBABLE CAUSE TO MAINTAIN THE PAROLE HOLD		
UNIT SUPERVISOR'S SIGNATURE Daniel Negrete, PAII		DATE 2/8/08
PAROLE ADMINISTRATOR'S COMMENTS/DECISION		
<input type="checkbox"/> REFER TO BPH	<input type="checkbox"/> *DISCHARGE EFFECTIVE DATE	FIELD ADMINISTRATOR'S SIGNATURE
		DATE

Important

INVESTIGATE, SUBMIT APPROPRIATE REPORT BY (DATE): **2-19-08**

Concur.

Exhibit - B

STATE OF CALIFORNIA
CHARGE REPORT
CDC 4502-B (08/05)

DEPARTMENT OF CORRECTIONS AND REHABILITATION
DISTRIBUTION
ORIGINAL - C-FILE
1ST COPY - FIELD FILE
2ND COPY - PAROLEE

REPORT TO: ☒ BOARD OF PAROLE HEARINGS

CDC NUMBER F88832	NAME (LAST, FIRST, MI) HOOD LESLIE		NAME BOOKED AS SAME		REGION/UNIT I/Fresno #3	
ARREST DATE 2/7/08	ARRESTING AGENCY SALINAS PD	BPH REFERRALS <input type="checkbox"/> MANDATORY <input checked="" type="checkbox"/> NON-MANDATORY		BOOKING NUMBER AND/OR LOCATION		
ARREST CODE B	* ARREST CODES A DAPO STAFF ALONE AB DAPO ASSISTED BY LAW ENFORCEMENT AGENCY		B LAW ENFORCEMENT AGENCY ALONE D LAW ENFORCEMENT AGENCY WITH INFORMATION FROM DAPO			
HOLD DATE 2/7/08	DISCOVERY DATE 2/7/08	HOLD REMOVED DATE NA	AGENT OF RECORD M. Gipson	CONTROLLING DISCHARGE DATE 5/11/2010PTS	DISCHARGE REVIEW DATE 5/11/08PTS	IMMINENT DISCHARGE <input type="checkbox"/>
CHARGES AND CODES ⑤ COND: 4 FALSE ID TO PO (950) ⑥ COND: 4 DRIVE ON SUSP LIC (875) ⑦ COND: 4 POSS DRUG PARPH (750)			CHARGES AND CODES ⑧ COND: 4 POSS COCAINE (719)			
REASON FOR RETAINING PAROLE HOLD: PAROLEE DANGER TO <input type="checkbox"/> ABSCOND <input checked="" type="checkbox"/> SELF <input type="checkbox"/> PROPERTY - OTHERS <input type="checkbox"/> SAFETY - OTHERS				DATE COPY GIVEN		NAME OF PERSON NOTICING PAROLEE

SUPPLEMENTAL REPORT

PAROLE AGENT'S RECOMMENDATION:

RETAIN HOLD AND REFER TO BPH

Important Date
Supplemental Charges
& Report was ready

PAROLE AGENT'S SIGNATURE M. Gipson				DATE 2/25/08	
UNIT SUPERVISOR'S ACTION <input type="checkbox"/> DECISION <input type="checkbox"/> REVIEW <input type="checkbox"/> RETAIN HOLD <input type="checkbox"/> RELEASE HOLD AS OF (DATE):		<input type="checkbox"/> CANCEL WARRANTS - WANTS			
<input type="checkbox"/> CONTINUE ON PAROLE <input type="checkbox"/> CONTINUE IN OUT-PATIENT STATUS <input type="checkbox"/> *DISCHARGE EFFECTIVE DATE:		<input type="checkbox"/> RETAIN ON PAROLE			
<input type="checkbox"/> REINSTATE ON PAROLE AS OF (DATE) <input type="checkbox"/> TIME LOSS <input type="checkbox"/> SUSPENDED/REINSTATE IN OPS AS OF (DATE) <input type="checkbox"/> REFER TO BPH <input type="checkbox"/> INVESTIGATE, SUBMIT APPROPRIATE REPORT BY (DATE)					
SPECIAL CONDITION(S): <input type="checkbox"/>		<input type="checkbox"/> ADD <input type="checkbox"/> DELETE			
UNIT SUPERVISOR'S COMMENTS/RECOMMENDATION <input type="checkbox"/> I HAVE LOOKED AT THE INFORMATION. I BELIEVE THERE IS PROBABLE CAUSE TO MAINTAIN THE PAROLE HOLD					
UNIT SUPERVISOR'S SIGNATURE				DATE	
PAROLE ADMINISTRATOR'S COMMENTS/DECISION					
<input type="checkbox"/> REFER TO BPH <input type="checkbox"/> *DISCHARGE EFFECTIVE DATE		FIELD ADMINISTRATOR'S SIGNATURE		DATE	

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EXhibit-C

Upheld in Settlement

by John E. Dannenberg

In a November 17, 2003 Stipulated Order for Permanent Injunctive Relief (PI), defendant California prison officials settled a nine-year old federal class action suit brought by parolees whose due process rights in parole violation proceedings had been consistently unconstitutionally abused. The PI, which commences on July 1, 2004 and becomes fully effective by July 1, 2005, will provide for probable cause hearings within 13 business days after placement of a parole hold, final revocation hearings within 35 calendar days of the hold, and appointed counsel at all hearings with subpoena power for witnesses and evidence. Most significantly, for minor parole violations not affecting public safety, alternative remedial sanctions other than prison will be offered beginning in January, 2004, with a stated goal of reducing returns-to-custody by up 10% in 2004 and 30% by 2006.

In 1994, prisoner Jerry Valdivia began what became a class action suit on behalf of parolees at large and those back in custody, alleging that California's unitary parole revocation procedure (i.e., having no pre-revocation probable cause step), coupled with re-incarceration of up to six months with no hearing at all, violated Constitutional rights announced in *Morrissey v. Brewer*, 408 U.S. 481 (1972) and *Gagnon v. Scarpelli*, 411 U.S. 778 (1973). Chief Judge Emeritus Lawrence K. Karlton ruled in 2002 that California's procedure was unconstitutional and must be revised. (See: *Valdivia v. Davis*, 206 F.Supp.2d 1068 (E.D. CA 2002); *PLN*, Jan. '03, p.16.)

The PI (signed by plaintiffs' attorneys Michael Bien of San Francisco and Donald Specter of the Prison Law Office) was finalized by the court after a March 8, 2004 fairness hearing. Operating prospectively only, it will serve both to provide due process of law as well as contain costs during California's budget crisis by reducing the prison population. (See *PLN*, Nov. '03, p.1 "Bloated Prison Budget Fuels California's Degenerative Incarceration Spiral.") Although no money damages or retroactive relief were asked for and none will be awarded in this class action, the settlement does not affect one's right to sue for damages or to file a writ of habeas corpus.

Central to the PI is the Valdivia Remedial Plan (Plan). Under this plan, upon the event of an alleged parole violation, the parole agent will screen out eligible candidates for

an alternative disposition to the usual no-hearing "cuff 'em and bus 'em" return to a California Department of Corrections (CDC) Reception Center. Such alternatives, available for what are deemed "administrative" violations, include diversion to a substance abuse program, electronic monitoring, self-help outpatient aftercare programs and alternative placement in structured and supervised environments. Very importantly, an alternative sanction does not count as a parole violation and therefore does not make the parolee presumptively ineligible for discharge after 13 months.

If alternative sanctions are not initially granted, they may yet be after a probable cause analysis (completed within 3 business days) is reviewed by the Parole Administrator (done within 4 more days), or by mutual agreement prior to the probable cause hearing. Otherwise, the probable cause hearing must be held within 6 more business days, wherein an attorney [state trained for this work] is appointed and evidence presented. If probable cause is found and the parolee rejects the proposed initial violation term or alternative sanction, a full revocation hearing must be held within 35 calendar days after the hold placement, again with attorney representation.

The main objective of the Plan is to reduce returns to custody for parole violations which in and of themselves present no imminent threat to public safety. This includes substance abuse violations and technical violations, e.g., being late for a parole appointment. Failure to complete the alternative sanction could result in a return to custody. At all phases of the Plan, ADA accommodations per *Armstrong v. Davis*, 295 F.3d 895 (9th Cir. 2001) shall be provided, including the availability of all forms in Spanish. Whenever needed, foreign language translators shall be provided.

Michael Brady, Deputy Secretary of the Youth and Adult Correctional Agency [which oversees CDC and the parole board] refuted victims' rights groups and prison guards union suggestions that the Plan was "soft on crime." Instead, Brady said "We are taking people whose underlying problem is substance abuse and making sure they get help and get the tools they need to become law-abiding citizens."

This underlying problem was also found central in a November 13, 2003 re-

port by the California Legislature's watchdog Little Hoover Commission which criticized the current parole system for "recycling" rather than rehabilitating parolees. Separately California's Inspector General found that 81% of present violators did not get a revocation hearing within the 45 days specified by *Morrissey*.

The PI also provides for monitoring every 90 days, with the court retaining jurisdiction for enforcement. Importantly, it was stipulated that this is not a "civil case with respect to prison conditions" and that the PI is not governed by the Prison Litigation Reform Act (PLRA) (18 U.S.C. § 3626). Two remaining unresolved claims left for informal resolution are Due Process and Equal Protection claims as to defendants' administrative appeals process and prisoners' revocation extension hearing rights. See: *Valdivia v. Schwarzenegger*, No. CIV-S-94-0670 (USDC E.D. CA), Stipulated Order For Permanent Injunctive Relief, Nov. 17, 2003.

Although attorney Donald Specter hailed the settlement as a "radical" improvement over the unconstitutional and costly ways of the past [indeed, it could serve as a model for other states], it isn't clear that the Fat Lady has finished singing. Proof that the Plan is helping both parolees and taxpayers will come only when imprisoned violator body-counts decline by the hoped-for 10% and 30% goals. But if the allure of empty prison beds serves only to foment more frequent prison-job-protecting parole sweeps, overall expenditures will increase when alternative remediation costs simply become additive to unremitting prison costs.

Indeed, California could take a page from the book of the United States, which frugally eliminated the concept of federal parole. This writer believes that the path to reduced recidivism is to be found in increasing the incentives to keep released prisoners out - rather than rewarding their return to custody. Instead of fostering the current *Lex Miserables* model of hounding a parolee until he fails, California should pay a fat bounty to post-release counselors whose wards successfully avoid committing a new crime for the one and three year benchmarks commonly cited in recidivism studies. By investing a fraction of the billions currently spent on blindly recycling parolees to instead aid them in staying out, the degenerative repression that prisons bring - especially to poor people - could be abated. ■

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It should be noted Agent of Records Michael Gipson, had plenty of time to get and review the Police Report and that Agent M. Gipson was aware of police report and/or other charges. "See Exhibit-E," (Sts Msy@cdr.ca.gov.) that was sent to Fresno parole agent Michael Gipson, and/or Negrete Daniel X, on the date of 2-8-08, at 6:14 am, one day after I was arrested on 2-7-08, to inform the Agent and unit supervisor of my arrest and/or the charges. IF you look on this form "Exhibit-E" under California Dept. of Corrections & Rehabilitations Sacramento, under "Reg/Unit 1, Fresno 1, Charge: parole nt large warrant # 2080100896, 1-24-08, - Poss. Cont Subs, Driving without license." It's very clear this agent and/or supervisor was aware of the charges of my arrest and had enough time to add charges to the original report charges that was due by 2-19-08, and/or file supplemental charges within the time frame of Valdivia v. Schwarzenegger. See Exhibit-C. However the Agent of Records M. Gipson failed to do his job in a timely frame, thus violating and/or denying me my due process rights. It should also be noted that on 3-24-08, the Board of Prison term Revocation hearing the Commissioner Hearing officer J. Champlin also went along with this Agent in violating and/or denying my due process rights. "See Exhibit-C," and failed to note my objection to having hearing after the (35th) day time frame in which Valdivia v. Schwarzenegger order stipulates, against "See Exhibit-C." Thus, my right to a final Revocation hearing on or before the 35th day of placement of my parole hold. "See Exhibit-C, G and H" the Commissioner J. Champlin only guessed this Agent of Records signed off on the parole Violation Report after the original report had been filed. Hearing officer J. Champlin, had no proof the Agent of Records wasn't aware of the charges before agent signed off the parole Violation Report, just because the agent of Records didn't make a mention of supplemental charges in his original report, this didn't give the Hearing officer J. Champlin the authority to answer for the agent of Records without the Agent of Records being present. The Commissioner J. Champlin can't just assume something and give me (7) months in prison. Otherwise the entire world be locked-up locking a person in prison has to deal with facts and facts only, I understand deference of the law evidence. However this matter is about whether or not my rights were violated, and it's clear my Equal Protection of the law was violated along with my Valdivia v. Schwarzenegger rights.

Respectfully Submitted
Hof8

- Date 4-16-08

Respectfully Submitted
Leslie Hood IV 4 of 8

Exhibit-E

Negrete, Daniel X.

From: rstMsg@cdcr.ca.gov
Sent: Friday, February 08, 2008 6:14 AM
To: Negrete, Daniel X.; Gipson, Michael
Subject: RSTS-CLETS Message

The following CLETS Message has been processed:

Hold Initiated: YES

Prior Hold: NO

Date: 02-07-2008

Time: 00:00

CDC:

Name: HOOD, LESLIE

Booked As: HOOD, LESLIE, III

Booking Number:

Arrest Date: 02-07-2008

Arresting Agency:

Agent: GIPSON, MICHAEL

Unit: FRE3

Unit Supervisor: NEGRETE, DANIEL

1-21-62

BOOKING #

SALTINAS POLICE DEPT

=====Actual Clets Message Follows=====

Msg - 02082008033215509, Date - 02/07/2008, Time - 19:32:15 1DWINDMXCSV.ADNU CRPO.ADNU
CRNO CRPO SNSO

TO: MONTEREY COJ /

ATTN: JAILER

*****CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION, *****

SACRAMENTO*****

TEXT: *****HOLD*****NO BAIL*****HOLD*****NO BAIL*****

NAME: HOOD, LESLIE, III

CDC#: F88832

AKA: CORNELL, WILLIAM

DOB: 6/1/1963

ADB:

DESC: BLA M 601 165 BLK BRO

BKG#:

REG/UNIT: 1 - FRESNO 1

CHARGE: PAROLEE AT LARGE WARRANT #2080100896 1-24-08 - POSS CONT

SUBS, DRIVING WITHOUT LICENSE

Important

ARREST DATE: 2/7/2008

CONTACTED BY: ARACELI

PHO: (831) 755-3732

THIS IS AUTHORIZATION FOR THE DETAINING AGENCY TO ARREST, BOOK,
AND TRANSPORT PER 3056 P.C. PLEASE HOLD PENDING CONTACT FROM PAROLE AGENT.

REFR: TOM HOFFMAN, DIRECTOR DAPO

REPLY: CRNO

MSG: 2890

INT: PCSFDG - WARRANTS

DATE: 2/7/2008 7:29:40 PM

CA DEPT OF CORRECTIONS

02/07/08 19:32 OPERATOR: FANNIE GRAHAM

CA034035G DWIN

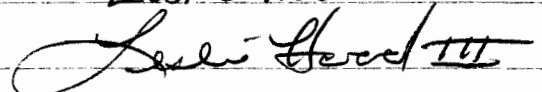
EXHIBIT F

CONTINUANCE OF PAGE 3 of 6, GROUNDS FOR RELIEF

I'M REQUESTING AN INJUNCTION Relief, AND REQUEST FOR EXPEDITED HEARING, due to the BOARD of PRISON TERMS Commissioner J. Champlin gave me (7) months Eligible for 3057 credits im now down to (50) days and should the Courts rule in favor of the Petitioner, the petitioner would be requesting to be released from custody. I've served the violation for the original (4) months I was given and I feel my life is being put on hold I have a job I've worked for the County of Fresno for the past (8) months and received a pay stub and support a 13 year old son AND my life is being taken for no reason. Had all violation charges been submitted and I pleaded to all charges at one time I possibly could be finished with this violation and going on with my life. It should be noted I was paper committed on 5-8-07, and was in full compliance with parole and the law until Dec. 14, 2007. For once in my life I felt I had a life and things were going great for me and I know I don't want the prison life as a way of life for myself any longer. I would greatly appreciate AN expedited hearing and only for the courts to uphold the law and one's rights. Thank you for your time and concern in this matter

Respectfully submitted

Leslie Hood III



Date. 4-16-08

BOARD OF PAROLE HEARINGS

STATE OF CALIFORNIA

SUMMARY OF REVOCATION HEARING AND DECISION

V. OBJECTIONS

☐ None ☒ Yes

Objections / Basis for Ruling

Ruling

PS ATTY OBJECTED TO CHARGES BEING FILED LATE

DENY

AOR APPEARS TO REC'D THE POLICE REPORT AFTER THE ORIGINAL CHARGES WERE FILED. AOR, US, AND PARAD ALL SIGNED OFF ON THE PAROLE VIOLATION REPORT AFTER THE ORIGINAL REPORT HAD BEEN FILED. AOR MAKES NO MENTION OF THE SUPPLEMENTAL CHARGES IN HIS ORIGINAL REPORT OTHER THAN NOTING THAT P WAS ARRESTED.

NAME
HOOD, LESLIE

CDC NUMBER
F88832

INST/REGION / AGENT
FRESNO 3 / 1
GIPSON, MICHAEL

HEARING DATE
24-MAR-2008

Exhibit-H

Records Office Use Only

Projected Revocation Release Date

Revocation Release Date

Controlling Discharge Date

Discharge Review Date

SUMMARY OF REVOCATION HEARING AND DECISION

(BPH Rules, Chapter 6, Article 3)

PRELIMINARY INFORMATION

Type of Hearing REVOCATION	Location of Hearing MONTEREY COUNTY JAIL Parolee in custody at Time of Hearing: YES
Basis for Charges Parole Violation Report, Dated: 27-FEB-2008 Police Report Agency Dated: 07-FEB-2008 FRESNO PD	Optional Waiver NO Date Signed by Parolee: Date of BPH Action: Assessment:

Legal Data

The crime for which the parolee was committed to prison occurred on or before 12-31-1978: NO

The crime for which the parolee was committed to prison occurred on or after 1-1-1979: YES

Date of arrest on current parole violation charge(s): 07-FEB-2008

Date hold was placed on current parole violation charge(s): 07-FEB-2008

ADA Special Needs:

Present at Hearing

Hearing Officer: J CHAMPLIN

Agent NOT Present *

1. ☒ Yes ☐ No Parolee (If Parolee absent, Why?)
2. ☒ Yes ☐ No Attorney Name: RUTLEDGE, KATERA ☐ Waived
3. ☐ Yes ☒ No Agent of Record or Substitute: HERNANDEZ, SANTO Reason not present: WAIVED
4. ☐ Yes ☐ No Hearing Agent: Reason not present:
5. ☐ Yes ☒ No Observers Name and Organization:
6. ☐ Yes ☒ No Interpreter Assigned Language Name

Witnesses (continue on the last page if more than 8 witnesses)

Present		Name	Notified		Wit. Desig. **		Testified	Excused	If absent, state specific reason.
Yes	No		Meth. *	Date	Stat.	Req.			
	X	RICHARD LEE HOOD	SP	14-MAR-08	F	P			FTA
	X	OFFICER TODD KESSLER #49014	SP	14-MAR-08	A	S			DNA / UNKNOWN
	X	JUANITA BURNETT	SP	14-MAR-08	F	P			UNKNOWN

***NOTIFICATION METHOD**

M = Memo PC = Personal Contact
L = Letter SP = Subpoena
PH = Phone TT = Teletype

****USE ABBREVIATION FOR WITNESS DESIGNATION**

Status: A = Adverse Requested by: S = State
F = Friendly P = Parolee
V = Victim

NAME
HOOD, LESLIECDC NUMBER
F88832INST/REGION / AGENT
FRESNO 3 / 1
GIPSON, MICHAELHEARING DATE
24-MAR-2008

Leslie Hood III

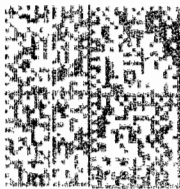
CDc# F88832-Jig# 0063606

P.O. Box 872

Fresno Ca 93712

ATT: Court Clerk

United States District Court
Northern District of California
450 Golden Gate Blvd.
San Francisco, CA 94102



FIRST CLASS

LEGAL MAIL